

(6)

B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

*No
Terminal &
Benefits on
Appointment
Compassionate ground*

O.A. No. 44 of 1989
T.A. No.

DATE OF DECISION 5-02-1993.

Mrs. Illa Dave and others. Petitioner

Shri B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Shri B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan Vice Chairman.

The Hon'ble Mr. R.C. Bhatt Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

1. Mrs. Illa Yaswant Dave
W/o late Shri Yaswant Dave
Ex. Railway Employee
2. Hiranbhai Yashwantrai
Minor son aged 8 years of
late Shri Yashwantrai
Through; Mother & natural Guardian
3. Pragnaben Yashwantrai
Minor daughters aged 6 years of
late Shri Yashwantrai
Through ; Mother & natural guardian

Address: Railway Qr. No.B.110
Nr. Road Over Bridge,
Jamnagar Road,
Rajkot.

Applicants

Advocate Shri B.B. Gogia

Versus

1. Union of India,
Through General Manager
Western Railway,
Chinchgate, Bombay
2. Divisional Railway Manager,
Western Railway,
Kothi Compound, Rajkot.

Advocate Shri B.R. Kyada

Respondents

JUDGEMENT

In

O.A. 44 of 1989

Date : 05.02.1993.

Per Hon'ble Shri N.V. Krishnan

Vice Chairman.

This original application was heard finally along with O.A. 39/89 on 1-12-19⁹² as the facts ~~are~~ of the cases and the reliefs sought are similiar O.A. 39 of 1989

was disposed of by our oral judgement dated 1-12-1992. The present O.A. was reserved for passing orders after adapting the order passed in O.A. 39/89

2. Therefore, we find it sufficient to briefly mention the facts of the case as follows :-

2.1 The first applicant is the widow of the late Shri S.V. Dave, the deceased railway employee and applicants tow and three are their children. The applicant joined as substitute Casual labourer and had put in 12 years of service before the date of his death on 21-8-1985 and he was placed at Sr. 15 of the panel for screening and regularisation prepared on 16-4-1981, referred to in O.A. 39/89 and produced as Annexure A-1 in the present application. Before regularisation, the railway employee died on 21-8-1985.

3. These facts are similiar to O.A. 39/89. The stand taken by the respondents is also the same.

4. Therefore, adapting the judgement rendered in O.A. 39/89, we allow this application to the extent of giving directions to the respondents to give family pension and benefits to the first applicant, in accordance with law, treating the deceased railway employee as having been regularised in a Group 'D' post of gangman sufficiently ~~and~~ before his death on 21-8-1985, so as to entile his family to family pension in the event of his death and disburse all consequential benefits to the applicants within three months from the receipt of this order.

✓

DATE	OFFICE REPORT	ORDERS.
22.6.93		<p>M.A. 277/90 is filed in O.A. 44/89 for production of documents. However, the same matter has been disposed of by judgment on 5th February, 1993 and no question of production of documents arises and M.A. is dismissed.</p> <p>M.A. 280/93 in O.A.44/89 is filed by the respondents on 20th May, 1993 for extension of time by six months for implementation of the order of this Tribunal. The respondents received the copy of this Tribunal on 17th February, 1993 and had to comply it within three months, but they have not done. I do not propose to extend the time by six months as prayed. But the respondents may comply the order by 15th July, 1993. M.A. is disposed of accordingly.</p> <p style="text-align: right;"><i>Res</i></p> <p style="text-align: right;">(R.C.Bhatt) Member (J)</p> <p>vtc.</p>